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For Application No. 10/749,840

Response to Restriction Requirement

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DEC 30 2005

Attorney Docket No.
87159200.242003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Po-Cheng Chen

Application No.: 10/749,840

Group Art Unit: 2879

Filing Date: December 29, 2003

Examiner: Ashok Patel

For: Tubeless Plasma Display Panel and Manufacture
of Plasma Display Panel

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being transmitted via facsimile to (571)273-8300 on the date shown below to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313, on the date set forth below.

William D. McSpadden

(Name)

December 30, 2005

(Date)


Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

The following is a response to the Restriction Requirement dated November 30, 2005. The response is believed to be timely filed in that it is being filed within one month of the date of mailing of the Action.

The Restriction Requirement requires Applicant to elect a single specie of the claimed invention for prosecution. Specifically, the Office Action states that the application contains the following patentably distinct species of the claimed invention:

- Species I. A processing chamber;
- Species II. A method of filling a plurality of display cells of a PDP; and
- Species II. A plasma display panel.

This requirement for restriction is respectfully traversed in view of the following.

The Restriction Requirement is traversed because it fails to identify any claims corresponding to the identified species. This is contrary to the restriction practice described in the Manual of Patent Examining Procedure, which states:

Attorney Docket No. 87159200.242003

In passing upon questions of . . . restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.

MPEP § 806.01 (emphasis added). Because the Office Action requires an election between embodiments instead of an election between claimed specie, Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn.

In the alternative, Applicant provisionally elects Specie II, which is drawn to a method of filling a plurality of display cells of a PDP. Without placing any constraints on the interpretations to be given to the claims of this application, Applicant believes that Specie II corresponds to claims 10-17 of this application.

Applicant expressly reserves the right under 35 U.S.C. § 121 to file one or more divisional or continuation applications directed to the nonelected subject matter during the pendency of this application, or an application claiming the benefit of this application under 35 U.S.C. § 120. Applicant respectfully submits that pending claims 10-17 are therefore in condition for consideration and examination. Applicant believes that no fees are necessary to complete this filing. In the event, however, that fees are necessary, the Commissioner is hereby authorized to charge any additional fees or credit any over payments with this response to deposit account 13-0480 referencing attorney docket number 87159200-242003.

Attorney Docket No. 87159200.242003

Respectfully Submitted,

By: William D. McSpadden
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